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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,005

12/10/2003

William G. Reeves

17,988

9405

23556

7590

01/13/2009

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EXAMINER

LIGHTFOOT, ELENA TSOY

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

01/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,005

Applicant(s)

REEVES ET AL.

Examiner

Elena Tsou Lightfoot

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 14-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 14-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

Amendment filed on November 19, 2008 has been entered. Claim 17 has been cancelled. Claims 12, 14-16 and 18 are pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsubakimoto et al (US 4,734,478) for the reasons of record set forth in paragraph 5 of the Office Action mailed on 8/20/2008.

As to amendment, Tsubakimoto et al teaches that the mixture may further comprise another compound such as water-soluble polymers (See column 6, lines 6-10), e.g. carboxymethyl *cellulose*, hydroxyethyl *cellulose* (See column 6, lines 28-29). The use of these water-soluble polymers can desirably increase the mechanical strength of the resulting granular product and makes it easy to handle the water-absorbing agent (See column 6, lines 30-33).

Applicants argue that carboxymethyl cellulose and hydroxyethyl cellulose of Tsubakimoto et al are used not in the form of *solid* particles.

The Examiner respectfully disagrees with this argument. First of all, claim 12 recites introducing into a flowing gas “at least one particle of at least one coating material wherein the at least one particle of at least one coating material is solid particle”. Thus, claim 12 requires that only *one* coating material among all coating materials must be in the form of solid particle. Therefore, even if carboxymethyl cellulose or hydroxyethyl cellulose is in the form of a *solution* particle, coating materials of Tsubakimoto et al comprising sorbitol and carboxymethyl cellulose

or hydroxyethyl cellulose reads on language of claim 12 since sorbitol (i.e. at least one particle of at least one coating material) is in the form of *solid* particle.

3. Claims 12, 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsubakimoto et al in view of Reeves et al (US 6376011) for the reasons of record set forth in paragraph 6 of the Office Action mailed on 8/20/2008.

Response to Arguments

Applicants' arguments filed November 19, 2008 have been fully considered but they are not persuasive.

Rejection under U.S.C. §103(a) over Tsubakimoto et al

(A) Applicants traverse the rejection. In order to establish a prima facie case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143.

The argument is unconvincing because Tsubakimoto et al is not combined with a secondary reference.

(B) Applicants submit that Tsubakimoto discloses the use of water alone or a mixture of water with a water-miscible organic solvent as the aqueous liquid. (See e.g., Col. 5, lines 67-68). Tsubakimoto also discloses using water-soluble polymers such as carboxymethyl cellulose and hydroxyethyl cellulose dissolved in the mixture of water or other compounds. (See e.g., Col. 6, lines 6- 10 and 26-30). As such, the carboxymethyl cellulose and hydroxyethyl cellulose of Tsubakimoto are in solution and are not "a solid particle, porous particle, or an agglomeration of particles" and are not "granule, pulverulent, powder, or sphere" as required by the currently amended claims. Thus, Tsubakimoto fails to teach or suggest the coating material as claimed. Applicants respectfully request that this rejection be withdrawn for at least this reason.

The Examiner respectfully disagrees with this argument. First of all, claim 12 recites introducing into a flowing gas "at least one particle of at least one coating material wherein the at least one particle of at least one coating material is solid particle". Thus, claim 12 requires that

only *one* coating material among all coating materials must be in the form of solid particle. Therefore, even if carboxymethyl cellulose or hydroxyethyl cellulose is in the form of a *solution* particle, coating materials of Tsubakimoto et al comprising sorbitol and carboxymethyl cellulose or hydroxyethyl cellulose reads on language of claim 12 since sorbitol (i.e. at least one particle of at least one coating material) is in the form of *solid* particle.

Rejection under U.S.C. §103(a) over Tsubakimoto et al in view of Reeves et al

This rejection is traversed because as discussed above Tsubakimoto fails to render Applicants' claims obvious because Tsubakimoto fails to teach or suggest the coating material as claimed. Claims 12 and 14- 18 depend from claim 12 and are patentably distinct over Tsubakimoto for at least the same reason. Reeves was added to teach that heated air may be used for coating SAP particles in a fluidized bed. Reeves was not added to cure the defects of Tsubakimoto as discussed above. Thus, no prima facie case of obviousness has been established with regard to claims 12 and 14-18 in view of the combination of Tsubakimoto and Reeves.

The Examiner respectfully disagrees with this argument for the reasons discussed above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy Lightfoot whose telephone number is 571-272-1429. The examiner can normally be reached on Monday-Friday, 9:00AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elena Tsoy Lightfoot, Ph.D.
Primary Examiner
Art Unit 1792

January 14, 2009

/Elena Tsoy Lightfoot/